

**ORDINANCE NO. 28301**

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 20.95.020 AND 20.95.110 OF CHAPTER 20.95 AND SECTION 20.100.480 OF CHAPTER 20.100, ALL OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE, TO REFLECT THE THRESHOLD FOR HYDRAULICALLY SIZED STORMWATER TREATMENT CONTROL MEASURES PURSUANT TO CITY COUNCIL POLICY 6-29 (POST CONSTRUCTION URBAN RUNOFF MANAGEMENT) AND THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT**

**WHEREAS**, on March 6, 2008, the provisions of this Ordinance were found to be categorically exempt from review under and pursuant to the provisions of the California Environmental Quality Act of 1970, together with guidelines promulgated pursuant thereto (and specifically Section 15308 of said CEQA Guidelines), under Public Project File No. PP07-235, which determination has not been protested nor appealed.

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1.** Section 20.95.020 of Chapter 20.95 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.95.020    Applicability**

The provisions of this Chapter shall apply whenever the creation, on or above ground through installation, construction, or replacement, of 10,000 square feet or more of impervious surface will occur through a proposed development of real property.

**SECTION 2.** Section 20.95.110 of Chapter 20.95 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

### **20.95.110 Conformance**

Whenever the creation, on or above ground through installation, construction, or replacement, of 10,000 square feet or more of impervious surface will occur as part of a proposed development of real property, that development shall be designed in conformance with "City Council Policy 6-29 Post Construction Urban Runoff Management," and in conformance with the provisions of this Chapter and Chapter 20.100 of this Title, all as the same may be amended from time to time.

**SECTION 3.** Section 20.100.480 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

### **20.100.480 Storm Water Management - Projects Disturbing 1 Acre or More**

- A. All development projects with an approved Development Permit that result in a land disturbance of one (1) acre or more shall, prior to the commencement of any clearing, grading or excavation, comply with the City of San José National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit as follows:
  - 1. The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of storm water pollutants including sediments associated with construction activities.
  - 2. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
- B. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control may include BMPs as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities.
- C. Prior to the issuance of a grading permit, the applicant shall submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works.
- D. The applicant shall maintain a copy of the most current SWPPP on site and shall provide a copy to any City representative or inspector on demand.
- E. The applicant shall implement and maintain all best management practices (BMPs) or control measures identified in the SWPPP and/ or Erosion Control Plan.

- F. Any proposed development of real property that will create, on or above ground through installation, construction, or replacement, 10,000 square feet or more of impervious surface shall be designed in conformance with City Council Policy No. 6-29, entitled "City Council Policy on Post Construction Urban Runoff Management," and the provisions of this Chapter.

**PASSED FOR PUBLICATION** of title this **6<sup>TH</sup>** day of **MAY**, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,  
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS;  
REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk